

**WORTH, LONGWORTH & LONDON, LLP**

ATTORNEYS AND COUNSELLORS AT LAW

111 JOHN STREET, SUITE 640

NEW YORK, N.Y. 10038

TELEPHONE: (212) 964-8038

FACSIMILE: (212) 964-8164

February 24, 2023

**VIA ECF**

Hon. Denise L. Cote  
United States District Judge  
United States District Court  
Southern District of New York  
500 Pearl St.  
New York, NY 10007-1312

Re: Guarniere v. City of New York et, al.,  
21-CV-1739 (DLC)

Your Honor:

My firm represents Defendant New York City Police Officer Omar Ibrahim (“Officer Ibrahim”) in the above-referenced matter. I write to respectfully seek permission to file certain portions of Officer Ibrahim’s Opposition to Co-Defendant City of New York’s motion for partial summary judgment under seal.

By way of background, by Order dated September 2<sup>nd</sup>, 2022, Your Honor set a February 4<sup>th</sup>, 2023, deadline for motions for Summary Judgment. On February 4<sup>th</sup>, 2023, Co-Defendant City of New York filed a motion for Summary Judgment that included a request that the Court dismiss Officer Ibrahim’s cross-claims. Officer Ibrahim now opposes that motion. This matter is part of the Plan for Certain § 1983 cases. As such, pursuant to section 11 of the Plan, a Protective Order is deemed to have been issued. Pursuant to section 8, of the Protective Order, should a party seek to file papers with the Court that incorporate confidential materials, or reveal the contents thereof, such party “shall first make an application to the Court for permission to file under seal specific portions of those papers.”

The basis for the request is that certain Exhibits to the Declaration of the undersigned in Opposition to Co-Defendant City’s motion incorporate documents that were produced by Defendant City of New York during discovery that were marked confidential. Furthermore, a portion of Officer Ibrahim’s Memorandum of Law in Opposition reveal the contents of those documents that were marked confidential.

In an attempt to avoid burdening the Court with this request, yesterday morning, February 23<sup>rd</sup>, 2023, I spoke with Counsel for Defendant City of New York, requesting consent to file the documents on the public docket. I was advised that supervisory authority was required to grant such a request, and, because of office absences, such consent was not likely to be given by today, the deadline for opposition. As of the writing of this letter no such consent has been given.

As such, in an abundance of caution and in an attempt to avoid running afoul of the Protective Order, I respectfully request the Court grant leave to file the Declaration of Douglas LaBarbera in Opposition with Exhibits, and Officer Ibrahim's Memorandum of Law in Opposition to Co-Defendant City of New York's motion for Summary Judgment under seal.

I thank the Court for its time and consideration of this request.

Respectfully Submitted,

/s/  
Doug LaBarbera (DL 6212)

TO: **VIA ECF**

Samuel C. DePaola  
SIM & DEPAOLA, LLP  
*Attorneys for Plaintiff*  
4240 Bell Blvd – Ste 201  
Bayside, NY 11361

Daniel Braun  
NYC Law Department  
*Attorneys for Defendant City of New York*  
100 Church Street  
New York, New York 10007